

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA                    )  
  )  
                          v.                        )     Cr. No. 01-10384-MLW  
  )  
GARY LEE SAMPSON                            )

ORDER

WOLF, D.J.

April 29, 2009

On April 24, 2009, the government filed a Motion To Defer Discovery Hearing For 30 Days So As To Permit Evaluation of 2255 Petition (the "Motion"). Although no request was made to file under seal, as required by the Local Rules, the Motion was submittted under seal. See Rule 7.2(e) of the Local Rules of the United States District Court for the District of Massachusetts ("L.R."). The court perceives no reason for the impoundment of the Motion. In addition, the Motion does not contain the required certification that the parties have conferred to attempt to resolve or narrow the issues. See L.R. 7.1(A)(2). In any event, defendant Gary Sampson has not assented to the Motion.<sup>1</sup> Nor has the government agreed that it is appropriate to grant Sampson's request that the court give him leave to amend his 28 U.S.C. §2255 petition before it is filed.

Even assuming, without finding, that it is inappropriate, if not impermissible, to order any discovery prior to filing of the

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<sup>1</sup>After this Order was signed, but before it was issued, Sampson filed, under seal, an Opposition to the Motion. The court will consider whether the Opposition should be unsealed.

§2255 petition, discussion of foreseeable issues at the scheduled hearing may facilitate the progress of the matter after the petition is filed. Therefore, the government's request to defer the hearing is being denied.

Accordingly, it is hereby ORDERED that:

1. The Motion (Docket No. 952) is UNSEALED and DENIED.
2. The parties shall confer and, by May 1, 2009, at 4:00 p.m., report on any agreements they may have reached and identify the most important issues to be addressed at the May 5, 2009 hearing.

/s/ MARK L. WOLF  
UNITED STATES DISTRICT JUDGE